IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISIDICTION
WRIT PETITION NO.5822 OF 2003

Raju Khandu Kakade
and Anr. ..Petitioners

Vs.

Yashwant Samaj Kalyan Sahakari
Griha Rachana Sanstha
Maryadit ..Respondent

....

Mr.Sachin Shetye with Ms.Prajakta P.Shinde for Petitioners
Mr.S.S.Patwardhan with N.P.Deshpande for Respondent

....

**CORAM : B.H.MARLAPALLE,J.**
**DATE : FEBRUARY 25,2005**

**P.C.:**

1. Heard the learned counsel for the respective parties.

2. The petitioners are aggrieved by the order dated 23.4.2003 passed by the learned IIIrd Jt.C.J.S.D. at Pune below Exh.345 in Special Civil Suit No. 1782 of 1994. By the said order, the application filed at Exh.345 under Order VII Rule 19 of C.P.C. by the defendants, has been rejected.

3. It is submitted by the petitioners that once the winding up order was passed by the Deputy Registrar, Co-Operative Societies, Pune City, on 21.8.2002 under Section 21 of the Maharashtra Co-Operative Societies

Act, 1960, the society ceased to be a legal entity and therefore, the application filed for return of the plaint ought to have been allowed. The learned Judge of the trial Court has considered the said submissions and noted that the order passed by the Deputy Registrar under Section 21 of the Maharashtra Co-Operative Societies Act, 1960 had not received finality and in such circumstances, the application filed, could not be entertained. The respondents have filed affidavit in reply in this petition and pointed out that the order passed by the Deputy Registrar, has been challenged in an appeal before the Divisional Jt.Registrar Co-Operative Societies at Pune (Appeal No. 47 of 2003) and as the said appellate authority did not pass any orders on the said petition, the respondents approached the State Govt. in the revision and while directing the lower appellate authority to decide the revision on merits expeditiously, the order passed by the Deputy Registrar has been stayed.

4. On these obtaining circumstances, the view taken by the trial Court in rejecting the application for interim reliefs of the petitioners, does not call for any interference as the same cannot be termed as perverse or patently erroneous.

5. Hence, the writ petition is rejected summarily.

[ B.H.MARLAPALLE,J. ]